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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Chii-How Chang

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/855,003	Applicant(s) CHANG, CHII-HOW	
	Examiner Kim-Kwok CHU	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 9/2/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Remarks

1. Applicant's Remarks filed on September 2, 2004 have been fully considered.

(a) the amended feature "said first yoke assembly including one or more movable yokes" is taught in the same prior art of Kume as illustrated in Figs. 10 and 11 where the yoke 46a, 46b is movable.

(b) Applicant states that Kume's supporting member 12 is not movable (page 9 of the Remarks, lines 2-6). Accordingly, the supporting member 12 as illustrated in Fig. 2 is a lens holder for holding the objective lens 11. The objective lens 11 has focusing and tracking movements and therefore the lens holder 12 is movable (column 4, lines 61-66; column 5, lines 5-17).

(c) Furthermore, Kume's yoke assembly as illustrated in Figs. 2-4 is attached to the movable lens holder 12 and therefore the yokes are also movable (column 4, lines 10 and 11).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(b) the invention was patented or described in a
printed publication in this or a foreign country or in
public use or on sale in this country, more than one
year prior to the date of the application for patent
in the United State..*

3. Claims 1-11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches a magnetic position device having all the elements and means as recited in claims 1-11 and 13. For example, Kume teaches the following:

(a) as in claim 1, a movable element 42 having a first yoke assembly 46a, 46b (Figs. 10 and 11; movable element is the lens holding means 42, column 7, lines 32-34);

(b) as in claim 1, the first yoke assembly including one or more movable yokes 46a1, 46a2, 46b1 and 46b2 (Figs. 10 and 11; column 7, lines 32-34);

(c) as in claim 1, a fixed element 44 adjacent to the movable element 42 for generating a magnetic field to control the movable element 42 to be moved toward a position (Fig. 11; 44 is the base for holding focusing and tracking coils);

(d) as in claim 1, the fixed element 44 having a magnetic assembly which comprises one or more permanent magnets 47a, 47b

connects to a second yoke assembly 46a2 configured to generate a magnetic field (Fig. 11);

(e) as in claim 2, a first coil 50a for generating a first motive force in a first direction in response to the magnetic flux of the magnetic field (Fig. 11);

(e) as in claim 2, a second coil 51a1 for generating a second motive force in a second direction in response to the magnetic flux of the magnetic field (Fig. 11);

(f) as in claim 3, the second coil 51a1 is perpendicular to the first coil 50a (Fig. 11; a tracking coil is arranged perpendicular to a focusing coil);

(g) as in claim 4, the second direction is perpendicular to the first direction (Fig. 11; inherent feature where a tracking direction is perpendicular to a focusing direction);

(h) as in claim 5, the first and second coils are wound around the second yoke assembly 46a2 (Fig. 11; yoke 46a2 is surrounded by the coils);

(i) as in claim 6, the magnetic assembly 49a, 50a comprises a plurality of permanent magnets 47a and 47b (Fig. 11; magnetic assembly includes coils and magnets);

(j) as in claim 7, the movable element 42 is capable of being moved along the first direction by the first motive force acted on the yoke assembly (Fig. 11, focusing direction is the first direction);

(k) as in claim 8, the movable element 42 is capable of being moved along the second direction by the second motive force acted on the yoke assembly (Fig.11, tracking direction is the second direction);

(l) as in claim 9, the first coil 50a is a focusing coil (Fig. 11);

(m) as in claim 10, the second coil 51a1 is a tracking coil (Fig. 11);

(n) as in claim 11, one or more movable yokes 46a1, 46a2, 46b1, 46b2 are mounted on two opposite sides of the movable element 42 respectively (Fig. 11; 46a1 is opposite to 46b1, 46b2); and

(o) as in claim 13, the movable element 42 comprises an optical lens 11 (Fig. 11).

4. Claims 14-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches a magnetic position device having all the elements and means as recited in claims 14-16. For example, Kume teaches the following:

(a) as in claim 14, a movable element 42 having a first yoke assembly 46a (Figs. 10 and 11; movable element is the supporting member 42, column 7, lines 32-34);

(b) as in claim 14, the first yoke assembly 46a including one of more movable yokes 46a1, 46a2 (Figs. 10 and 11; column 7, lines 32-34);

(c) as in claim 14, a fixed element 44 adjacent to the movable element 42 for generating a magnetic field and having coil assembly 50a, 51a1 (Fig. 11);

(d) as in claim 14, the coil assembly generates a motive force in response to the magnetic flux of the magnetic field to control the movable element 42 toward a position (Fig. 11);

(e) as in claim 15, the coil assembly comprises a focusing coil 50a and a tracking coil 51a1 (Fig. 11; column 4, lines 36-40); and

(f) as in claim 16, the fixed element 44 further comprises/composes a second yoke assembly 46b and a magnet assembly 17b connected with the second yoke to generate the magnetic field (Fig. 11).

5. Claims 17 and 18 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

6. Claims 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume (U.S. Patent 5,541,899).

Kume teaches an objective lens driver having all the elements and means as recited in claim 19. For example, Kume teaches the following:

(a) as in claim 19, a movable element 12 having an objective lens 11 comprises a first yoke assembly 16a (Fig. 3);

(b) as in claim 19, the first yoke assembly 16a including one of more movable yokes 16a2 (Figs. 2-4; yokes are moved/repelled by electromagnetic force);

(c) as in claim 19, a fixed element 14 adjacent to the movable element 12 configured to generate a magnetic force to move the movable element 12 toward a position (Fig. 3; focusing and tracking);

(d) as in claim 19, the fixed element 14 comprising/composing a second yoke assembly 16b (Figs. 2 and 3);

(e) as in claim 19, the fixed element 14 is a magnetic assembly which comprises one or more permanent magnet 17a, 17b

connected to the second yoke assembly 16b configured to generate the magnetic field (Figs. 2 and 3);

(f) as in claim 19, a first coil 20a configured to generate a first motive force in a first direction in response to the magnetic flux of the magnetic field (Figs. 2 and 3); and

(g) as in claim 19, a second coil 21a configured to generate a second motive force in a second direction in response to the magnetic flux of the magnetic field (Fig. 2).

7. Claim 20 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above.

8. Claims 21, 22, 24 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches an objective lens driver having all the elements and means as recited in claims 21 and 22. For example, Kume teaches the following:

(a) as in claim 21, a movable element 12 having an objective lens 11 (Fig. 2; element 12 holds a movable objective lens);

(b) as in claim 21, the movable element 12 does not attach to a permanent magnet, a tracking coil, and a focusing coil (Figs. 2-4; movable element 12 is not a yoke);

(c) as in claim 21, the movable element 12 including one or more moveable yokes 16a, 16b (Figs. 2 and 3; yokes are attached to the movable element 12);

(d) as in claim 21, the movable element 12 including one or more movable elements 16a, 16b (Figs. 2- 4); and

(e) as in claim 22, a fixed element 14 comprising the permanent magnet 17a, the tracking coil 21a, and the focusing coil 20a so as to generate a magnetic flux which moves the movable element 12 (Figs. 1, 2 and 4).

9. Method claims 24 and 25 are drawn to the method of using the corresponding apparatus claimed in claims 21 and 22. Therefore method claims 24 and 25 correspond to apparatus claims 21 and 22 and are rejected for the same reason of anticipation as used above.

10. Claim 23 is rejected under 35 U.S.C. § 102(b) as being anticipated by Kume et al. (U.S. Patent 5,541,899).

Kume teaches an object lens drive having all the elements and means as recited in claim 23. For example, Kume teaches the following:

(a) as in claim 23, a movable element 12 having an objective lens 11 and a movable yoke 16a (Figs. 2 and 3; yokes are attached to the movable element 12);

(b) as in claim 23, a fixed element 14 adjacent to the movable element 12 to form a gap (Figs. 2 and 3); and

(c) as in claim 23, the fixed element 12 comprising a permanent magnet 17a, a tracking coil 21a, and a focusing coil 20a for generating a magnetic flux across the gap which moves the movable element (Fig. 2).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for
entry. Or:

(703) 746-6909, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor
(Receptionist).


Any inquiry of a general nature or relating to the status of
this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Kim CHU
whose telephone number is (703) 305-3032 between 9:30 am to 6:00
pm, Monday to Friday.

KE 12/29/04

Kim-Kwok CHU
Examiner AU2653
December 29, 2004

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